United Nations CEDAW/C/GHA/Q/6-7

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the combined sixth and seventh periodic reports of Ghana*

Constitutional, legislative and institutional framework

1. According to article 11 of the Constitution, customs are recognized along with statutory law as a source of laws of the State party. Please indicate measures taken to harmonize both customary law and statutory law with the obligations of the State party under the Convention. Please provide detailed information on the range of laws aimed at facilitating the implementation of the provisions of the Convention mentioned in paragraph 43 of the report (CEDAW/C/GHA/6-7).[1]

2. The Constitution of the State party recognizes the chieftaincy system together with its traditional councils (art. 270). Please provide information on efforts made to raise awareness about women's rights under the Convention within the chieftaincy system hierarchy, which regulates issues such as family relations, an area where women commonly face discrimination, in order to facilitate the harmonization of those regulations with statutory law in line with the Convention.

Access to justice

3. In the report, it is mentioned that a series of measures have been taken to address the barriers impeding women's access to justice, such as the enactment of the Whistle Blowers Act (2006) and the establishment of human rights courts, family courts and a gender-based and sexual offences court (paras. 171-172). Please provide information on how those and other measures have ensured women's access to justice, in particular in relation to barriers such as women's limited information on their rights, lack of support in pursuing those rights and legal costs.

* Adopted by the pre-sessional working group for the fifty-ninth session, meeting from 3 to 7 March 2014.

[1] Unless otherwise indicated, paragraph numbers refer to the combined sixth and seventh periodic reports of the State party.

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National machinery for the advancement of women

4. Please indicate whether the projected increase in the budgetary allocations for the Ministry of Women and Children's Affairs was in fact approved and disbursed (paras. 34-35). Please provide further information on the measures taken to enhance the human capacity of the Ministry (para. 36), on the impact that those training initiatives have had on the adoption of gender certification mechanisms directed at focal points in the various ministries, departments and agencies in the State party (para. 33) and on the implementation of gender mainstreaming activities and gender-responsive budgeting approaches (para. 36).

Temporary special measures

5. In the report, it is mentioned that a quota system is in place for the enrolment of girls in secondary education and for the enrolment of women in teacher training courses (paras. 55, 56 and 90). Please provide information on other temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, in place in other areas covered by the Convention, such as within the employment and health sectors.

Stereotypes and harmful practices

6. In accordance with the Constitution of the State party, the National House of Chiefs should undertake an evaluation of traditional customs and usages with a view to eliminating those customs and usages that are outmoded and socially harmful (art. 272 (c)). Please provide information on specific measures taken by the National House of Chiefs to eliminate harmful practices against women, such as widowhood rites, levirate (marriage between a widow and her dead husband's brother), female genital mutilation, *trokosi* (ritual or customary slavery) and *tazaba*. Please provide detailed information on measures taken to implement new legislation and enforce existing legislation prohibiting such practices and on awareness-raising programmes aimed at modifying social and cultural behaviour that discriminates against women, as previously recommended by the Committee (CEDAW/C/GHA/CO/5, para. 22).

7. Please provide information on the prevalence of violence against women who are believed to be witches, the number of such women who are held in camps and on measures to abolish the practice of labelling women as witches and subjecting them to violence. Please provide information about the practice of holding mentally ill women in camps and on the status of the mental health bill and its provisions, including those on standards for the operation of camps and on sanctions (para. 169).

Violence against women

8. Please provide information on the content and implementation of the Domestic Violence Act (2007). Please indicate any progress made and challenges faced in the implementation of the National Policy and Plan of Action on Domestic Violence (2009-2019) (paras. 33 and 52). Please clarify whether marital rape is regarded as a crime in the Domestic Violence Act (2007). Please also provide information on measures currently in place or foreseen to prevent violence against women, as previously recommended by the Committee (CEDAW/C/GHA/CO/5, para. 23).

9. In the report, it is indicated that there has been an increase of almost 400 per cent in the number of cases reported between 2008 and 2010 to the domestic violence and victim support centres located within the State party's police department (para. 167). It is also indicated that almost 60 per cent of the cases remain under investigation and that the rates of prosecution and punishment of perpetrators do not reach 10 per cent of the cases (para. 168). Please provide detailed information with respect to the challenges faced by the State party to effectively investigate, prosecute and impose sentences on perpetrators of domestic violence against women. Please provide detailed information on the services provided by the Domestic Violence and Victim Support Unit and on the Unit's human and financial resources. Please provide information on the existence of shelters for victims of violence.

Trafficking in women and exploitation of prostitution

10. Please provide information about the prevalence and causes of cross-border and internal trafficking in women and girls in the State party. Please provide information on progress made in the implementation of the Human Trafficking Act (Act 694, as amended in 2009), as well as on any obstacles to implementation and on measures taken to overcome them. Please provide information on the measures taken to identify victims of trafficking, to protect them and to provide them with rehabilitation and reintegration services. Please indicate steps taken to establish referral systems for victims of trafficking. Please also provide information on the number of cases investigated, alleged perpetrators prosecuted and sentences imposed. Please provide information about the prevalence of prostitution in the State party, the relevant legal framework and assistance available to women wishing to leave prostitution.

Participation in political and public life

11. In the report, it was acknowledged that there have been setbacks with respect to women's participation in political and public life since the past reporting period (paras. 65-67). Please provide information on measures taken to address the challenges that impede women from participating in Parliament, in district assemblies, in administrative leadership positions and in the judiciary. Please provide detailed information about any progress made with respect to the adoption of the affirmative action bill (2012), mentioned in paragraph 73 of the report. Please provide information about the participation of women within the structure of the chieftaincy system.

Nationality

12. Please provide information on any progress made by the Constitutional Review Commission to amend discriminatory provisions with respect to the right of Ghanaian women to transmit their nationality to their foreign spouses (para. 75).

Education

13. Please provide updated information about measures in place and their impact on combating the high rates at which girls drop out of primary school, which represent a challenge to the State party in achieving the Millennium Development Goals (para. 84). In the report, it is indicated that female enrolment at the secondary

and tertiary levels of education has increased since the past reporting period and now stands at 43.4 per cent and 33 per cent, respectively (para. 76). Please provide information on specific measures being taken to continue improving secondary-level enrolment by improving infrastructure and boarding facilities (para. 80), addressing customary practices and attitudes that hamper girls' education and providing girls with access to vocational training.

Employment

14. Please provide information on measures taken to address the occupational segregation of women in the private and the public sectors to low-paid and low-skilled jobs (para. 95). Please also provide information on specific measures taken to facilitate the entry into the formal labour sector of women in the informal labour sector. Please provide information on steps taken to establish specific policies in line with the Labour Act (2003) to address sexual harassment in the workplace in both the public and the private sectors.

Health

15. Please provide detailed information on the programmes implemented within the framework of the Health Sector Gender Policy (2009) and on their results. Please provide information on specific measures taken to address the high rates of maternal morbidity and mortality in the State party. Please provide further information on measures in place to ensure that women are aware of their rights under Law No. 102/1985, which lists the circumstances under which abortion is allowed in the State party. Please provide further information on the comprehensive abortion care programme (para. 113).

16. In the report, it is mentioned that the interventions of the State party aimed at addressing HIV/AIDS have resulted in a decline in HIV/AIDS prevalence in the country (para. 117). Please provide updated data disaggregated by sex, age and geographic location on the prevalence of HIV/AIDS. Please also provide detailed information on the implementation and results of the prevention of mother-to-child-transmission plan. In particular, please indicate whether the plan succeeded in reaching 95 per cent coverage of all pregnant women in 2013 (para. 118).

Rural women

17. In the report, it is acknowledged that there has been an increase in the number of women living in rural areas in the State party since 2000 (para. 142) and that the majority of rural women have limited access to land (para. 152). Please provide detailed information about measures taken to ensure access by rural women to land and credit. Please provide information on measures taken to ensure that women who engage in agricultural activities and who are resettled because their land is exploited for economic gain are provided with sustainable livelihood alternatives.

Disadvantaged groups of women

18. According to information provided to the Committee, persons in the State party may be at risk of internal displacement owing to the occurrence of natural disasters such as floods. Please provide information on the legislative and administrative framework in place to address the needs of internally displaced persons, in particular internally displaced women and girls. Please provide

information on how the State party is dealing with the significant increase in asylum applications from nationals of the Central African Republic since 2013. Please indicate whether a referral system on refugee status determination has been established in the State party to ensure the right to seek and to be granted asylum, in particular for women.

Marriage and family relations

19. Please provide information on measures taken to harmonize the plural legal systems that govern marriage and family relations in the State party with article 16 of the Convention, as previously recommended by the Committee (CEDAW/C/GHA/CO/5, para. 36). In the report, it is acknowledged that there has been an increase in the incidence of polygamy, in particular among marriages contracted under the Marriage Ordinance (1951), which legalizes only monogamous marriages (para. 179). Please provide information on measures taken to enforce the Ordinance and to abolish polygamy, irrespective of religion and the traditions in the State party (para. 180).

20. According to paragraph 177 of the report, the Matrimonial Causes Act (1971) is applicable to marriages under customary law. Please indicate whether the Act also applies to marriages contracted under the Marriage of Mohammedans Ordinance. Please provide information on reported inconsistencies between these three sources of law in relation to marital property that reinforce discrimination against women. Please provide updated information on the status of the property rights of spouses bill and on the intestate succession bill (paras. 183-184), as well as on how the bills ensure equality between women and men in matters relating to marriage and family relations.

21. Please provide detailed information on the extent to which women and girls are exchanged between families for marriage to offset dowry payments. Please provide information about measures taken to ensure the effective implementation of the Children's Act (1988) prohibiting child marriage, as previously recommended by the Committee (CEDAW/C/GHA/CO/5, para. 36).